

what course the Committee might be induced to take in either side.

In consequence thereof, the Committee proceeded to make out and to consider the competency of the evidence. In view of the testimony on the part of the non-commissioned claimants, composed of confederates and their agents, the affidavits presented to them were so poor, and so full of errors, that most of that evidence of the commissioners claimants, besides their statements, consisted of depositions taken before State officers in New Jersey, upon notice to the opposite party. Numerous objections were taken to the competency of this evidence, but the under-signed did no examination in respect to any of them, except that which raised an inquiry as to the sufficiency of the notice of the deposition; there being no law or statute, directing the mode of taking evidence, the committee experienced great difficulty in finding any rule that would do justice to all concerned. The usage of the House for many years, had sanctioned the practice of receiving depositions, in cases of contested elections, taken on reasonable notice; but had not stated what was reasonable notice. The commissioners' members indicated a willingness, however, as they were to return to New Jersey to obtain additional proofs, the committee should reject all testimony in respect to which there was much doubt, to the end that they might return the evidence, and place the matter beyond dispute.

It is proper to state that this suggestion, made from motives of prudence, avowedly suspended the action of one of the under-signed, who voted for the exclusion of testimony which he would not have hesitated to receive if compelled to proceed at once, and dispose of the case *in se* meritis. The chairman seemed disposed to take a liberal view on the subject, and to admit nearly the whole of the evidence on both sides; treating what we deemed objections to competency as mere objections to the sufficiency of the proofs: the effect of which was, with the aid of the other four members concurring in the report already submitted, to let in the most important part of the testimony adduced by the non-commissioned claimants, though taken ex parte, and without notice. But when the testimony on the other side came under consideration, the same four members voted against its competency, though taken on notices, in some instances at least, ample and abundant; and it so happened that in consequence of the division of us of the under-signed, and the indecision of a wish which he indulged to have the case cleared of all embarrassment by re-taking the evidence, much the most important part of the proof offered by the non-commissioned claimants was rejected, and the testimony before the committee was left in a very confused, imperfect, and chaotic state, and in such a condition as to render it, in the judgment of the under-signed, in a high degree unsafe to make it the basis of their action either in the committee or the House for any purpose whatever.

When the committee had thus disposed of the question of competency arising on the evidence before it, the commissioners again renewed their application for further time, to finish taking their testimony; and again verbally stated to the committee the various difficulties which had prevented the completion of their proofs before the session of Congress. And this statement not being denied by the non-commissioned claimants, the committee, in consideration of these difficulties, and also in reference to the fact that much of the testimony adduced had been rejected in the manner above stated, deemed the request reasonable, and determined to grant it; and both parties being decidedly of the opinion that the testimony could not be taken before the second Monday of April next, the committee adopted a preamble and resolution as follows:

" Whereas the People of the State of New Jersey are at present deprived of five-sixths of their representatives in the House of Representatives, and it has long been expedient that the decision of the question between the several claimants to the five contested seats in the House should be made as speedily as practicable, consistent with due investigation and deliberation, and J. H. Ayer, William Husted, and others having made application to the committee for time to take further evidence to maintain their rights to seats in said House, and the contestants having agreed that if the committee go into an investigation of the question of the plurality of legal votes, they desire time also to take testimony."

" Therefore resolved, That the chairman be requested to notify the several claimants aforesaid that this committee will not proceed to a final decision of the question of ultimate right depending after said date until the second Monday in April next, at which time the committee will report the proofs to be closed, and will not receive any testimony taken by either of the parties after that date; but nothing in this resolution shall prevent the committee at any time before that day from taking up and deciding said case, if the parties shall declare themselves ready with all their testimony."

In justice to the chairman of the committee, it should be stated, that he indicated to the committee an anxious wish that the time allowed for the completion of the proofs should be abbreviated, with a view to bring the case, *open in se* meritis, before the House, as nearly as practicable; and three of the under-signed, in deference to the opinions and feelings of the chairman, co-operated with him in an effort to procure a reconsideration of the above resolution; which was defeated by the votes of the other members of the committee.

Nothing now remained to be done, but to carry out the original plan as exhibited in the said resolutions; and accordingly the following resolution was offered by one of the under-signed, and adopted by the committee.

" Resolved, That the parties to the contested election for the State of New Jersey be, and they are hereby, authorized to take the testimony of such witnesses as either of them may desire to examine by deposition in conformity with the laws of that State in force at the time of taking any such testimony, on the subject of contested elections, in similar cases: Provided, that the parties may, by any agreement under their hands, regulate the mode of giving notice, and other matters of form, in their discretion."

Soon after the adoption of these resolutions, the commissioners members left the city for the State of New Jersey, to finish taking their evidence, where they still remain. We did not anticipate, nor had we

an estimation, from any quarter, that further proceedings in the case were contemplated, either in the committee, or the House, until the adjournment of the last session; nor are we willing to believe that the House would have adopted the resolution of the 20th of February, if it had known the situation of the case before the committee, or anticipated the construction which the committee would put on the resolution.

Nothing is more abhorrent to a well-regulated mind, than the appearance of despotism or treachery in the administration of justice. "We will not, for the honor of our country, believe that the highest legislative assembly in the land, acting as a judicial tribunal, and deciding, not only upon the rights of individuals, but also upon the rights of one of the sovereign States of the Union, will, for a moment, after these parties have been sent away in sufficient security that they were to have time to take their evidence, entertain the idea of taking up the case in their absence, and deciding it without a hearing, and with the proofs on one side wholly incomplete. Such a procedure would be an example of injustice and perfidy so flagrant, and establish a precedent so pernicious, that it would hardly be respectful to this honorable body to give it a further examination.

At this stage of the proceedings (the parties having returned to New Jersey to complete their testimony,) the subject was again brought before the House, and a strenuous effort made to instruct the committee to report forthwith who had received a majority of the votes given at the polls; and, on a proposition to amend the resolution by inserting the word "lawful," so as to require the committee to report the *lawful* votes only, a long, earnest, and, to some extent, an angry debate arose; and, by the casting vote of the Speaker, the amendment was adopted. Such a course of reasoning, we take for granted, cannot be satisfactory, either to the House or the country.

The report proceeds to say:

" At the same time, the committee cannot entirely (mark the word) *entirely* strike out the word "lawful," or strike that from the resolution, which was inserted upon a contest at once, as to require a casting vote for its decision."

Which casting vote may as well be ascribed to the chairman of the committee, as to the Speaker of the House, for one vote counted as much as the other; and one would respectfully inquire whether the Hon. Chairman, himself, who drafted that report, attached so importance to the insertion of the word lawful, at the time he voted for it. The report goes on.

" There is but one other basis left, and that is the *prima facie* case upon the merits of the local officers of the several polls; and the nature of the controversy takes into consideration, it can scarcely be doubted that to this basis the resolution looks."

But, the very subject of the controversy before the House, was, whether the resolution should look to that basis or not—whether it should look to the whole vote, or the lawless votes only; and it had been decided by the casting vote referred to, that it should look to the *lawful* vote only; and not to the whole vote given, as originally proposed by the resolution, and while the committee "cannot entirely overlook the word *lawful*," or strike it from the resolution, they find no difficulty in disregarding its plain import and meaning, and they report the very matter they were instructed, by the House, not to report, and that not from a desire to make such a report, (because five members of that committee had constantly refused to make a report based upon any such principle,) but in strict obedience to the instruction of the House. But, in addition to this "peremptory word, *forthwith*," it is said "the proviso qualified the meaning of the word lawful." The under-signed made strenuous efforts to induce the majority of the committee to strike out the word "lawful" wherever it appears in their report, so qualifying the word "peremptory," so that the language of the report might correspond with the principle on which it is based, and thus all misconception, either by the House, or the country, be excluded; and also, to induce the majority to insert a clause in their report to indicate opposition to it in the committee, and to grant us time for the exposition of our views through the medium of a counter-report, but their efforts proved wholly unavailing.

We have said enough, we trust, to establish the propriety of having the report of the commissioners recommended, that the instructions given may be literally and faithfully obeyed.

With this statement of facts, to sustain which we respectfully ask for the printing of all the documents, we leave the case to the House; and, if it be contemplated to make a report, submitted under such circumstances, the basis of any action that will compromise the rights of either of the parties in this controversy, we beg leave, as members of the committee, as Representatives of the people, and, in behalf of the sovereign States of this Union, to protest against what we conceive a most injurious and unlawful provision.

MILLARD FILLMORE,
JOHN M. DOTTIE,
GEO. W. CRABBS,
TRUMAN SMITH.

Washington, March 10, 1840.

From the *Advertiser*.
The *Carolina Standard*.
The two candidates for the executive chair of North Carolina, delivered their opening speeches to the Senate of Oregon, on Tuesday evening of the last session of Court, which was held in Hillsborough.—We were present on the occasion, and enjoyed a full opportunity of comparing the two orators, and of ascertaining the impression which each made upon the minds of the people by their respective addresses. The *White* speech was composed by Mr. Moore, and delivered in a clear, distinct, forcible, and forcible style, which elicited the unanimous approbation of the audience. The *Black* speech was composed by Mr. Moore, and delivered in a style not unlike that in which General Jackson wrote his *Memorial*, a decided superiority over Judge Moore's, and this is in holding his audience. We never have heard of General Moore's oratorical powers, and that they are equal to those which descended from his brow, and by the blood which flows in his veins, is likely to answer during his life.

The Judge, on the contrary, had a decided advantage over Mr. Moore, and this is in holding his audience. We never have heard of General Moore's oratorical powers, and that they are equal to those which descended from his brow, and by the blood which flows in his veins, is likely to answer during his life.

The Judge, on the contrary, had a decided advantage over Mr. Moore, and this is in holding his audience.

The speeches of both candidates were such as to reflect great credit on their political research, experience and capacity; for we must do Judge Saunders the justice to say (which twisted as we know him to be) that he delivered a speech which raised the public estimate of his abilities as a stump orator very considerably—a speech which would have told very decidedly in an ordinary canvass for the State Legislature. But as there is a blue and yet a better blue, so there are good popular haranguers and yet better. And we are satisfied that we are faithfully reflecting the sentiments, feelings and opinions of all who heard them in saying that Mr. Morehead got decidedly the better of Judge Saunders in their opening speeches to the people and that the same strength in the public mind by Mr. Morehead's address was indefinitely more favorable than that produced by Judge Saunders.

The speech of Mr. Morehead abounded in political facts for the information of the people from its commencement to its termination—this the most polished part of the speech. This article didactic in texture was uttered in the outskirts of a new mining town in Pennsylvania. No town in the Union furnished more, or better evidence for the defense and protection of the Northern frontier of Ohio, during the time when then did Pennsylvania. Few if any men were in the army surrounded by General Morehead's numbers had ever been so numbered and marshaled at Williamsburg and Danvers's defeat, than the officers of

GENERAL HARRISON. No man ever died, was succeeded by larger numbers of Pennsylvanians, including miners from our village. The departure of these miners from their families and friends, and their viewed as a voluntary sacrifice of life for the defense of their country, and the "farewell, God bless ye," was uttered in a tone and feeling that won over even the hearts of the bystanders, and which will never be effaced from my memory.

In these days, our motto was love and clemency; and this was only by the encouragement of a sick or disabled soldier returning home, that we heard from our army—Time long heavy and deep gloom over spread our country: "The last news was a battle in our exposed position to American army under General Harrison and the British and Indians under the bold, thirty Prover and Tecumseh."

Days and weeks passed by and yet nothing was heard from our army. Our citizens eagerly waited all messages from the West, with the anxious inquiry of "Any news from Gen. Harrison?" Such was the delay, doubt and uncertainty, that it was generally feared, and by many believed, that Harrison and his army had, like those before him, been defeated and massacred.

While I was sitting (mid day) in the house at the foot of the hill in front of our school house, and our Union School-master was here repeating our A B C, to the smaller architect, I suddenly heard the sound of a horse. I looked forth and saw descending the hill, half a mile distant, the mail-boy on his horse at full speed. At the foot of the hill, he crossed a bridge, and the rapid clatter of the iron-hoof resounded throughout our cabin. Rising the hill over us, he again sounded his shrill horn, and when opposite our Log Cabin, he pulled out a **DAYTON** has entered the British and Indians."

There were, we would suppose about four hundred persons present, and Mr. Morehead enkindled the attention of the whole of them whilst he was speaking, and kept them alternately steeped in profound meditation or jocund mirth according as he happened to change the style of his speaking.

A short time after Judge Saunders arose, there was an evident disinclination to listen manifested by a large portion of the audience, some of them talking, some moving off, whilst a great portion of those who were perfectly still and composed seemed to indicate by their countenances that his speech, to say the least of it, was in every bad taste.

We must here take occasion to remark too that we have been credibly informed since the two candidates made their appearance at Hillsborough, that several influential Van Buren men have dropped off from Judge Saunders. They said they were not able to abide the difference between the powers, attainments, and manners, of two men.

What a "Discovery!"
In his opening speech to the people of Hillsborough, Judge Saunders took occasion, among other precious odds, to assail the character of General Harrison as a farmer. The Judge observed that he had passed up the Ohio River, not long since, and had a fair view of the old hicks farm, and that it was in such wretched order as to show that he was deficient in management and industry both. It would seem to persons of plain understandings like ourselves that an individual who could at a bird's flight passage up the Ohio River take in at a glance all the various arrangements of a farm so as to be enabled to pronounce correctly on the character of the owner of that farm must possess an intimate knowledge of farming relations and of causes and effects. He who under such evident disadvantages could so quickly discern what was essential to be done about a farm would be better qualified to preside over the military than over the civil affairs of a State. He would be better calculated to make an acute and brave commander of a large army than a tame serving, managing and shuffling politician. If then the Judge should be elected Governor of North Carolina (of the happening of which event there

is no regular basis) *Log Cabin*, with others down, and windows, and well-roofed, mounted on wheels, and drawn by horses, had been brought fifty and a hundred miles, with signs at the side of the door, of "Harrison

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